

201 KAR 41:020. Application for licensure.

RELATES TO: KRS Chapter 61, 329A.035, 329A.040(1), 329A.065(1), 28 C.F.R. 16.3345, 164.512(a), (d), (e)

STATUTORY AUTHORITY: KRS 329A.025(1), 329A.035,

NECESSITY, FUNCTION, AND CONFORMITY: KRS 329A.025(1) requires the Kentucky State Board of Licensure for Private Investigators to evaluate the qualification of candidates for licensure as private investigators and private investigating companies. KRS 329A.035 establishes application requirements for private investigators and private investigation companies. This administrative regulation establishes the application requirements and process for licensure.

Section 1. Application for Individual Private Investigator License. (1) A person who has met the qualifications established in KRS 329A.035 may submit to the board the Private Investigator Application and Applicant Instructions.

(2) With a sworn and notarized application, the applicant shall submit to the board:

(a) The initial application fee established in 201 KAR 41:040, Section 1, which shall be non-refundable;

(b) Two (2) 2 in. x 2 in. color passport-style photographs;

(c) A check or money order made payable to the "Kentucky State Treasurer" for the criminal background check and fingerprint fee; and

(d) Authorization for release of medical, psychological, and, if applicable, records pursuant to the requirements of KRS 329A.035(3)(e)-(l).

(e) The applicant shall contact the Division of Occupations and Professions for the combined amount of state and federal fees, pursuant to 502 KAR 30:060 and 28 C.F.R. 16.33.

Section 2. Application for Company Private Investigator License. (1) Owners, partners, or qualifying agents of companies who have met the qualifications established in KRS 329A.035, may submit the Private Investigator Company Application and Applicant Instructions.

(2) With the application sworn by the individual applicant; each partner, if the applicant is a partnership; or the qualifying agent, and notarized, the applicant shall submit:

(a) The initial application fee established in 201 KAR 41:040, Section 2, which shall be non-refundable; and

(b) A check or money order made payable to the "Kentucky State Treasurer" for the criminal background check and fingerprint fee.

(c) A list of all private investigators employed by the company and a "proof of affiliation" letter for each private investigator.

(d) The applicant shall contact the Division of Occupations and Professions for the combined amount of state and federal fees, pursuant to 502 KAR 30:060 and 28 C.F.R. 16.33.

Section 3. Status Change. (1) A licensee, applicant, or private investigation company shall notify the board in writing within thirty (30) days of a change in company affiliation, business address, residence address, or phone number during the application process and after license issuance.

(2)(a) A private investigation company shall notify the board in writing within thirty (30) days of a change in company affiliation or upon the death or termination of a private investigator working for that company.

(b) If a private investigator's employment is terminated, the private investigation company employer shall state within thirty (30) days of the termination the reason for the termination.

Section 4. Application Processing. (1) The average processing time for an application is two (2) to three (3) months.

(2) Failure to respond to correspondence during the application processing period may delay the application.

(3)(a) An application on file with the board for more than six (6) months shall be placed in "inactive status".

(b) If a license is sought for an application in "inactive status", a new application and fee shall be required.

(4) Licensure fees not paid within thirty (30) days of the request or application shall result in closure of the application without further notice.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Private Investigator Application and Applicant Instructions", 10/2008 edition; and

(b) "Private Investigator Company Application and Applicant Instructions", 10/2008 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Private Investigators, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (32 Ky.R. 2388; 33 Ky.R. 727; eff. 10-6-2006; 35 Ky.R. 620; 1442; eff. 1-5-2009.)